S.B. CIVIL WRIT PETITION NO. 4557/2007.
(TANSUKHLAL VS. DISTRICT JUDGE, CHURU & ORS.)

DATE OF ORDER : 30.08.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Chaitanya Gahlot for the petitioner.
Mr. K.R. Saharan for the respondents.

Counsel for the petitioner does not press the prayer relating to transfer of the case to the Court of Additional District Judge, Sujangarh. However, it is asserted by counsel for the petitioner that the application dated 07.04.2007 was decided by the learned Additional District Judge without affording an opportunity of hearing to the petitioner, therefore, the order dated 10.04.2007 passed therein is bad in eye of law.

It is always expected from any Judicial authority to pass effective orders on any application after affording adequate opportunity to the parties concern. However, in the instant matter, learned Additional District Judge, Sujangarh by the order dated 10.07.2007 summoned Shri Satyanarayan Jangid as a witness along with relevant record and the petitoner shall be having an opportunity to cross-examine the witness, therefore, while exercising powers under Article 227 of the Constitution of India, I do not consider it appropriate to interfere with the order impugned.

An apprehension is made by counsel for the petitioner that the record which may be brought by the witness concern, may not be shown to him.

The apprehension is ill-founded as the trial court is required to record evidence in accordance with law and the document whichever shall be read in evidence must be available for perusal of the parties..

The writ petition is accordingly disposed of.

(GOVIND MATHUR)J.

Anil/